

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

FREDERICK BANKS, #05711-068

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:07-cv-161-DCB-MTP

FEDERAL BUREAU OF PRISONS

DEFENDANT

ORDER

Before the Court is Plaintiff's motion for reconsideration [17] of this Court's order revoking *in forma pauperis* status [15]. The Plaintiff argues that he is exempt from paying the filing fee because he is a Lakota Sioux Indian; however, in the alternative the Plaintiff included what this Court construes as a promissory note for payment of his filing fee. This Court instructs Plaintiff that there is no "exemption" from paying the filing fee. The only exception is if the "prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Moreover, legal tender in regards to the filing fee is considered cash, check, money order or credit card (The Guide to Judiciary Policies, Chapter 7, Part C.2.1.3.). Clearly, the Plaintiff has failed to meet the exception of 28 U.S.C. § 1915(g). Accordingly, it is hereby

ORDERED:

1. That the Plaintiff's motion for reconsideration [17] is **denied**.
2. That the Plaintiff is granted until and including December 20, 2007, to comply with this Court's order of November 20, 2007, by paying the filing fee of \$350.00.
3. That the Plaintiff is warned that failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and

contumacious act by the Plaintiff and may result in the dismissal of this case.

THIS, the 10th day of December, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE